

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8894 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RANCHODPURA SEVA SAHAKARI MANDALI LIMITED

Versus

DISTRICT REGISTRAR

Appearance:

MR KS JHAVERI for Petitioner
MR KT DAVE, AGP for Respondents 1 to 3,
MR PK JANI for Respondent No. 4

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 15/10/98

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. K.T. Dave,
Ld. A.G.P. for respondents nos. 1 to 3 and Mr. P.K.
Jani, L.A. for respondent no.4.

2. Heard. Short grievance in this petition is that
although the petitioner society has approached the Addl.

Registrar (Appeals), Cooperation Department, Gandhinagar by way of Appeal No. 119 of 1998 against the order of respondent no. 2 passed on 31/8/1998 and although the said order came to be stayed by the appellate authority on 12/10/1998 the stay has been vacated under the circumstances stated in this petition. It may be noted that when the appeal is pending it would hardly serve any purpose to vacate the stay in the midst of the appeal bearing in mind the facts of the present case. Under such circumstances, following direction is issued :-

The stay against the order dated 31/8/1998 granted by the appellate authority on 7/9/1998 shall stand continued till the disposal of the appeal. In case the appeal is decided against the petitioner, the decision shall be communicated to the petitioner and the same shall not be implemented for a period of one week from the date of communicating the order.

Rule made absolute in the aforesaid terms. DSP.

PVR